

IN THE
COURT OF CRIMINAL APPEALS
OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
12/7/2018
DEANA WILLIAMSON, CLERK

MICHAEL J. BUCK Appellant	§ § § § § § §	Eighth Court of Appeals No. 08-16-00294-CR Appeal from the 243rd Judicial District Court of El Paso County, Texas TC No. 20160D01234
vs.		
THE STATE OF TEXAS, Appellee		

**FIRST MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF**

TO THE HONORABLE COURT OF APPEALS:

COMES NOW MICHAEL J. BUCK Appellant, and files this first motion for an extension for 30 days in which to file the Appellant's Brief. In support of this motion, Appellant would show the Court the following:

I.

On March 22ND, 2016 the Indictment for MICHAEL J. BUCK was filed. The offense charged is AGG SEXUAL ASSLT (COUNTS I & II). The Appellant's trial attorney was Theresa Caballero, 300 E. Main St. #1136, El Paso, TX, 79901. On September 19TH, 2016 in the 243rd DISTRICT COURT, Hon. LUIS AGUILAR, Judge

Presiding, signed the Judgment and Sentence, on the charge of AGG SEXUAL ASSLT.

II.

The Appellant's petition for discretionary review was granted on December 5th, 2018. The Appellant's brief is now due January 4th, 2019, and Appellant requests an extension for thirty days until February 3rd, 2019. No prior extensions of time have been granted.

III.

Appellant's request for an extension is based upon the following facts:

1. Nicholas C. Vitolo is the attorney of record in this case and is out for FMLA leave until January 7th, 2019 due to the birth of a child; therefore, he cannot meet the January 4th deadline.

In light of the above matters, and in order to adequately and effectively discharge his responsibilities to the Appellant, the undersigned counsel respectfully requests a 30-day extension of time in order to properly prepare and present the brief for the Appellant.

WHEREFORE, Appellant and the undersigned counsel pray that the Court grant this motion and extend the deadline for filing the brief for Appellant to February 3rd, 2019.

Respectfully submitted,

EL PASO COUNTY PUBLIC DEFENDER

BY: /s/ **Todd D. Morten**

TODD D. MORTEN

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THE STATE OF TEXAS §
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COUNTY OF EL PASO §

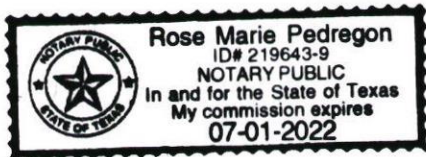
BEFORE ME, the undersigned authority, appeared TODD D. MORTEN, on the 6th day of December, 2018, and who, being by me duly sworn, did depose and state on his oath:

"My name is TODD D. MORTEN. I am the Attorney for Appellant in the above styled and numbered document, and the above stated facts are true and correct and within my personal knowledge."

BY: _____

TODD D. MORTEN

SUBSCRIBED AND SWORN TO BEFORE ME this 6th day of December, 2018.



NOTARY PUBLIC, State of Texas
My Commission expires:

CERTIFICATE OF SERVICE

I, TODD D. MORTEN, certify that a true and correct copy of the foregoing instrument has been e-mailed to the District Attorney's Office at DAAppeals@epcounty.com and mailed to Appellant MICHAEL J. BUCK on this the 6th day of December, 2018.

BY: /s/ Todd D. Morten

TODD D. MORTEN